

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA.**

June 15, 2009

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 456**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: Amendment of Rule 5.6 (c), and adoption of new Rule 5.6.1 of the Civil Service Rules

Issue Date: June 15, 2009

At its regular business meeting on June 3, 2009, the Civil Service Commission approved amended Rule 5.6 (c) and adopted new Rule 5.6.1, with an effective date of June 3, 2009. Explanations for these changes appear in General Circular No. 1761 and General Circular No. 1767.

If you have any questions, please call your Assistance Coordinator at 225-342-8274.

Please make the following changes in your Civil Service Rules:

<u>REMOVE</u>		<u>INSERT</u>	
<u>Page</u>	<u>T/S</u>	<u>Page</u>	<u>T/S</u>
20.17	374	20.17	456
20.18	357	20.18	456
		20.18.1	456
		20.18.2	456
		20.18.3	456

Sincerely,

s/Shannon S. Templet
Director

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- (c) Repealed, effective September 7, 1982.
- (d) Repealed, effective June 29, 1987.

5.6 Status of Incumbent When Position is Reallocated.

- (a) When a position is reallocated, the incumbent shall be entitled to remain in the position provided that he or she meets the minimum qualification requirements of the job to which the position has been allocated.
- (b) When the incumbent does not meet the minimum qualification requirements, the agency can return to, or remove from, the position the duties which caused the reallocation; or the Director shall declare the position a new position. ***
- (c) If the duties which caused the reallocation are returned or removed, the incumbent shall be entitled to remain in the position. In accordance with Rule 5.6.1(e)6, if the position is declared a new position, the former shall be deemed abolished and the incumbent may be relocated by demotion in lieu of layoff as defined in Rule 1.11.1.

5.6.1 Effect of Business Reorganization on Encumbered Positions ***

- (a) When an appointing authority determines it is necessary to restructure an organization to more effectively or efficiently carry out its mission, he shall submit a plan to the Director outlining his rational business reason for the proposed change and the impact of the change on the incumbents of the affected positions. This rule shall not apply if the restructuring proposes a reduction of the number of employees in the organization. Such reductions in force shall be conducted in accordance with Chapter 17, Layoffs and Layoff Avoidance Measures.
- (b) Position allocations that change as a result of the business reorganization may be effected through reallocation (up, down, or laterally), job correction or the creation of a new position as determined by the Director. Occupied positions shall be reallocated down only in accordance with parts (d), (e) and (f) of these rules.
- (c) The business reorganization plan shall be submitted to the Director prior to the proposed effective date. The plan shall include, but not necessarily be limited to, the following documents:
 - 1. proposal outlining the rational business reasons resulting in the reallocation(s) down;
 - 2. position descriptions (SF-3s) for all positions in the affected organizational unit;
 - 3. current and proposed organizational charts; and
 - 4. copies of notices to employees issued in accordance with Rule 5.6.1(d)

- (d) When an appointing authority proposes to lower the allocation of a position occupied by a permanent employee, the Director's approval is required. The employee shall be given written notice of:

1. the proposed action;
2. the proposed effective date of the action;
3. the business reason for the action; and
4. their opportunity to respond.

This notice must be given at least fifteen (15) calendar days prior to the Director's approval of the plan.

- (e) Approval of Business Reorganization Plans Involving Reallocations Down

The Director may:

1. approve the plan;
2. disapprove the plan;
3. grant interim approval of the plan pending ratification of the Commission at its next regularly scheduled meeting;
4. refer the plan directly to the Commission for consideration at its next regularly scheduled meeting;
5. require the agency to implement the reorganization in accordance with Chapter 17 of these rules;
6. require the agency to implement a demotion in lieu of layoff as defined in Rule 1.11.1.

- (f) Pay of employees negatively affected by reallocation down or demotion in lieu of layoff shall be red-circled in accordance with Chapter 6 of these rules.
- (g) Employees whose positions are moved into a lower job classification as a result of the business reorganization shall be eligible to be placed on a Department Preferred Reemployment List (DPRL). Employees on such a list shall be given preferential hiring rights for their department or agency for the job which they occupied prior to the implementation of the business reorganization. Employees shall be ranked in order of length of state service. The employee with the most state service for a given job and parish shall be given the first offer.

1. Eligibility shall be limited to:
 - a. the agency or department where the reorganization occurred;
 - b. the employee's parish of domicile at the time of reorganization and any other parishes he may list for availability;
 - c. the same job title the employee held prior to the implementation of the reorganization and equivalent or lower level jobs for which the employee qualifies in his career field;
 - d. employees whose most recent official performance rating at the time of the reorganization was "meets requirements" or better; and
 - e. permanent employees.
 - f. An employee whose position is allocated down shall only be eligible for jobs down to, but not including, those in the pay range to which he has been placed.
2. An employee shall be removed from applicable list(s) when:
 - a. He is offered a permanent position from the DPRL. His name shall be removed for that job as well as other equivalent or lower jobs, but he shall remain on the list for higher jobs for which he is eligible.
 - b. He declines or fails to respond to an offer. His name shall then be removed for that job, equivalent jobs, and all lower jobs.
 - c. He is dismissed or resigns to avoid dismissal following the reorganization.
 - d. The Director determines that a person is not qualified, not available, or upon investigation, not suitable for appointment to the position.
 - e. His name has been on the list for two (2) years following the effective date of the reorganization.
3. Exceptions to Hiring from the List:

If there is a department preferred reemployment list, the employee who is first on the list shall be hired first for positions in his career field except when a position is filled by:

 - a. internal demotion; or
 - b. restoration of an employee returning from military service in accordance with Rule 23.15.

4. If the job held by the employee immediately prior to the implementation of the reorganization undergoes a change in the minimum qualification requirements or the title or pay range is changed (including one that is changed upward) after the reorganization, at the request of the employee, he may have his name placed on the list for the newly-revised job title and equivalent and lower level jobs in his career field. He shall not be required to meet the new qualifications if sufficient evidence is presented to the Director to show, as determined by the Director, that he is returning to a job having essentially the same duties he was performing when affected by the reorganization, unless the lacking qualification is one required by law or under a recognized accreditation program.
- (h) For rational business reasons, the Director or Commission may make exceptions to these rules.
- (i) Permanent employees whose allocation has been moved to a lower classification may have the right to file an appeal to the Civil Service Commission in accordance with Chapter 13 of these Rules.

5.7 Job Evaluation.

The Director shall evaluate and/or reevaluate each job in the classification plan to establish its relative value in the classified service. Jobs will be assigned to a pay grade based on the provisions contained in Chapter 6 of these Rules as well as consideration of each job's evaluation.

5.8 Status of Incumbent Affected by a Job Correction.

- (a) When the allocation of a position is changed by job correction, the incumbent shall be entitled to remain in the position provided that he or she possesses any license, commission, certification, or accreditation which is established as a minimum qualification.
- (b) When the incumbent lacks a required credential, the position shall be declared a new position; the former position shall be deemed abolished and the incumbent shall be removed there from by layoff.

5.9 Dual Career Ladder Classification Program

Subject to the provisions of Rule 6.29, an appointing authority may participate in a dual career ladder program for selected job series by submitting an agency policy requesting the establishment of a job or jobs to provide a mechanism to implement a dual career ladder program. The agency policy must be approved by the Civil Service Commission prior to implementation. All such programs must comply with the following requirements:

- (a) The dual career ladder jobs must be in a scientific, medical, information technology, or engineering field that exhibits one or more of the following characteristics:
 - 1. Requires substantial technical or professional training and expertise beyond the basic level.
 - 2. Is known for rapid innovation.
 - 3. Possesses the potential for employees to receive national credentials or licenses.
- (b) Such a program shall be implemented in accordance with written policies and procedures established by each department. These written policies must include at a minimum the following elements:
 - 1. Program goals and expectations.
 - 2. Performance standards for employees eligible to enter the program.
 - 3. Selection procedures to move employees into a dual career ladder job title.
 - 4. Supplemental qualification requirements for each position encompassed by the program.
 - 5. The scope of intended use including the location and number of dual career ladder positions and job specifications for all dual career ladder jobs.
 - 6. Program assessment procedures and reports.
- (c) Amendments to policies by an agency must be submitted for prior approval by the Civil Service Commission.
- (d) Pay for employees in dual career ladder jobs shall be established in accordance with Civil Service Rules governing pay.
- (e) Applicants may be placed in dual career ladder positions using normal procedures for filing positions or, if appropriate, through reallocation.
- (f) Agencies must report to the Department of State Civil Service annually on the use and effectiveness of the program. Such annual reports should reflect fiscal year information.
- (g) The Director shall review all programs and report annually to the Civil Service Commission on the program's use and effectiveness.